REMARKS/ARGUMENTS

The Office Action indicates that the Applicant has admitted prior art in the form of an LCD with a mixed polarizer. This is not true. Applicant has not admitted that a liquid crystal display LCD with a mixed polarizer is prior art. In fact, the use of dissimilar polarizers comprises the claimed invention. Note that the background section of the application as filed calls attention to an LCD that uses an iodine-type polarizer as an input polarizer AND as an output polarizer. The background section also describes the use of a dye-type polarizer, again used in both positions; input polarizer and output polarizer. The background section does not imply or otherwise describe the use of dissimilar polarizers in the two positions, namely the input polarizer and the output polarizer.

Claims 1 – 10 have been rejected under 35 U.S.C. 103(a), obviousness, as being unpatentable over Applicant's purported admission of a mixed polarizer LCD in view of Allen et al. (U.S. Patent No. 6,111,696), hereinafter Allen '696.

In order to support a *prima facia* case for obviousness using a particular set of references, the references must exhibit the following attributes:

(a) The prior art references must collectively teach or suggest all of the claim limitations in the application;

(b) There must be a reasonable expectation of success in modifying the reference; and

(c) The references must suggest or provide some motivation to modify and / or combine the reference teachings.

The original specification indicates that iodine-based polarizers are available.

The original specification also indicates that high-temperature polarizers are available. If we were to follow the reasoning set forth in the Office Action, no

other reference would be required to establish a prima facia case for obviousness because the purported admissions in the specification disclose all required elements of the claims invention and the first prong (a) of the aforementioned test for obviousness would be satisfied.

A prima facia case of obviousness further requires that there be found some motivation to modify and/or combine the reference teachings. This motivation can come from the references themselves. Here, no such motivation is found in the cited reference Allen '696. As an alternative to finding motivation in the references themselves, the Examiner must put forth a convincing line of reasoning as to why the artisan would have been motivated by the reference teachings to make the modification. The Office Action has not provided any rationale that would support this alternative motivation requirement. The Examiner has merely stated that "it would have been obvious" to modify the (purported) APA by incorporating a high temperature type output polarizer, but this statement alone is not enough. Accordingly, the Examiner has failed to establish a prima facia case of obviousness (Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)).

The Allen '696 reference does not provide any motivation to combine a high-temperature polarizer (as an output polarizer) with an iodine-type input polarizer. All that the Allen '696 reference does is provide motivation to use his claimed invention, a polarizer, in different applications (e.g. in an LCD display). In fact, if Allen teaches anything, Allen teaches that his polarizer is to be used as an input polarizer (Col 30: Lines 44 – 50). Applicant avers that the claimed invention comprises an iodine-type input polarizer, not the polarizer of Allen '696.

The Office Action is inaccurate in its portrayal of the polarizer described in Allen '696. For example, the Office Action alleges that Allen '696 describes a polarizer capable of operating at "high-temperature" and specifically identifies

Col. 53, Table 5, Lines 49 – 65 of the cited reference in support of this allegation. The Office Action has misconstrued the teachings set forth in Allen '696. Col. 53, Table 5, Lines 49 – 65 describes a fabrication technique for a polarizer. The temperatures enumerated in Table 5 in the cited reference refer not to operating temperatures for the polarizer, but rather to stretch temperatures (i.e. the temperature at which stretching of an optical film was accomplished in order to achieve a corresponding optical quality that was also listed in Table 5). Hence, the Allen '696 reference does not teach the use of a high operating temperature polarizer nor does Allen '696 teach any of the other limitations of the claimed invention.

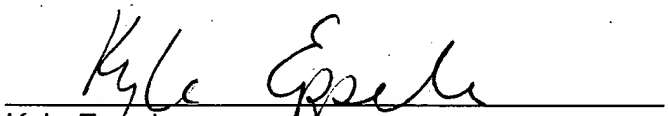
Claim 10 has been rejected under 35 U.S.C. 103(a), obviousness, as being unpatentable over Applicant's purported admission of a mixed polarizer LCD in view of Allen '696 in further view of Osamu et al. (Japanese Patent 6250174 A), hereinafter Osamu '174. After reading this attempt to reject Claim 10, Applicant avers that the examiner has merely attempted to discover references using certain key words and phrase, but has failed to exercise any prudence in correlating the actual disclosure presented in the reference with the claimed invention. For example, in the abstract for Osamu '174, there is an obscure reference to a dye system polarizer of high heat resistance. This polarizer (reference numeral 6) appears to be an input polarizer. However, reference numeral 6 in Osamu '174 is not a polarizer included in an LCD device. Upon further reading of Osamu '174, it is evident that Osamu '174 describes a conventional LCD (i.e. an LCD that uses similar polarizers in the input and output position (see figures, reference numerals 4d and 4e). This conventional LCD is shrouded in an air flow for the purposes of cooling the LCD assembly. The polarizer in Osamu '174 that the Office Action alleges is a high temperature input polarizer is actually a color correction polarizer that may be of high heat resistance due to its proximity to a high-heat-source lamp (Paragraphs [0031] – [0032]). Hence, Osamu '174 does not provide any motivation to replace the

input polarizer on the LCD module with a high-temperature polarizer, as the Office Action alleges. In fact, Osamu '174 teaches away from any of the teachings of the claimed invention by teaching that a shroud of airflow should be used to cool an LCD device.

All dependent claims have been rejected for obviouness under 35 U.S.C. 103(a). Applicant avers that Claims 1 and 10 have been shown to be non-obvious. As such, all claims dependant on Claims 1 and 10 are also non-obvious (see In re Fine, 837, F.2d 1071, 5 USPQ2d 1596, Fed. Cir. 1988). Accordingly, the obviousness rejection of all claims dependant on Claims 1 and 10 must be withdrawn.

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant respectfully solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully submitted,



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